

**Notice of Allowability**

Application No.

10/805,994

Examiner

Charles Chow

Applicant(s)

PELTOLA, ARI JUHANI

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/22/2007.
2. ☒ The allowed claim(s) is/are 5-7, 10, 13 and 14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### 3Detailed Action

1. The office action is for amendment received on 1/22/2007.

#### Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 5-7, 10, 13-14 are allowable in the previous mailed office action, and the reason for allowable is included in below.

Applicant has canceled the rejected claims 1-4, 8-9, 11-12, & claims 5-7, 10, 13-14 were indicated to be allowable in the previous office action mailed on 7/14/2006.

Claims 5-7, 10, 13-14 are allowable over the prior art of record, the prior art fails to teach singly, particularly, or in combination, for the subject matter, for the **in response to detecting a case where selected primary cell fails to transmit a downlink dedicated physical channel DPCH to the UE, inserting predetermined sample values into the output of a UE receiver prior to a UE channel decoder; and decoding the predetermined sample values as zero bit so as to maintain proper channel decoder operation, for the site selection diversity transmit, to prevent the situation when there is no response in the messages for the requesting of a communication channel from base stations in the downlink physical channel DPCH, to the mobile station, as shown in independent claims 5, 6, 8, 10, 13.** The dependent claims are also allowable due to their dependency upon the independent claims having additional claimed features.

For the first closest reference, **Toskala et al. (2003/0219,037 A1)**, applicant has indicated that it belongs to applicant's assignee, **Nokia Corporation** (page 6 of applicant's amendment 3/4/2005).

For the second closest reference, **Kim et al. (US 2003/0095,532 A1)** teaches the uplink channel UL-DPCH transmitted from user equipment UE (Fig. 3A), which has feedback field

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FBI 314 which contains control information for site selection diversity transmission SSDT [0016, 0053], the channel quality indicator CQI [0017], the selecting of best primary cell [0008-0009], Kim fails to teach the detecting a case where no base station is transmitting to UE; inserting predetermined values into a received signal and decoding the predetermined values.

Other prior arts in below has been considered, but they fail to teach the above claimed features.

**Futamura (US 5,910,947)** teaches the base station does not receive the reply from master base station, due to another base station communicating with the identical master station, only transmit the "no sensing", sense value of 999 to mast station (col. 20, lines 20-35, col. 6, lines 45-65, abstract),

**Kobayashi (US 6,721,564 B1)** teaches the rake receiver 25 comprising 4 (fingers, Fig. 2, col. 8, lines 8-20), the microprocessor MPU 13 (Fig. 2, col. 43-49), the MPU 13 comprising measurement control means (col. 8, lines 42 to col. 9, line 10) assigning the at least one finger to demodulate the downlink signal, and determining that too little energy is present in the at least one finger that is assigned to demodulate the downlink signal (the step 3a, Fig. 3), for the mobile terminal to measure the receiving strength of pilot channel (step 3f; col. 9, line 60 to col. 10, line 15; col. 2, lines 31-67).

**Childress et al. (US 5,175,866)** teaches the trunking card cease attempting to communicate with the failed primary controller, by communicating with another site controller, to prevent the effect from a failure site controller (abstract, Fig. 6A-6E, Fig. 8, col. 14, line 58 to col. 15, line 22; col. 18, lines 32-56).

**Riedle (US 2005/0039,205 A1)** teaches the controller can setup a null value for the retire channel X [0048-0049], having later filing date 8/12/2003.

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Other references are also considered. They are: **Peltola (US 2004/0235,434 A1), Wu et al. (US 2003/0072,278 A1), Suzuki et al. (US 2003/0014,705 A1).**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow C.C.

January 26, 2007.

  
